



02105.002050

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15
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GROUP 1700

In re Application of:

WILLIAM MUTILANGI ET AL.

Application No.: 09/458,677

Filed: December 10, 1999

For: USE OF METAL SALTS TO
IMPROVE THE TASTE OF LOW-
CALORIE BEVERAGES
SWEETENED WITH SUCRALOSE

Examiner: Arthur L. Corbin

Group Art Unit: 1761

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132
OF WILLIAM MUTILANGI

Sir:

WILLIAM MUTILANGI, declares and says that:

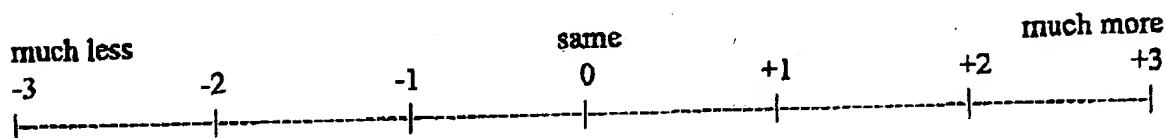
1. I have been employed by Pepsi Cola Company at its Valhalla, New York facility for the past thirteen years. Most recently, I have occupied the position of Research Fellow for the past four years.

2. In 1989, I received a Ph.D. in Food Science from Pennsylvania State University.

3. I am familiar with the prosecution history of the present application. I have carefully reviewed the Examiner's position as set forth in the Office Action mailed on

December 23, 2002, wherein all claims were rejected over Stray-Gundersen, Schade, Jenner and the present specification.

4. In my opinion, the presently claimed combination of metal salts exhibits synergism when applied in a sucralose/acesulfame-K sweetened low-calorie beverage composition. In addition, the three salt blend exhibits synergistic results as compared to a two salt blend of calcium phosphate and calcium sulfate. My opinion is based upon experimentation that was conducted under my supervision and control. Each salt or salt blend was rated for overall sweetness intensity, aftertaste duration, cola flavor strength, mouthfeel and sucrose quality on the following scale:



5. Calcium phosphate was tested over the range of 0 to 300 ppm in a low-calorie beverage sweetened with sucralose/acesulfame-K. Calcium phosphate was found to increase mouthfeel by about +1; however, this salt also decreased cola flavor strength by about -1.5 and negatively modified the cola flavor.

6. Calcium sulfate was tested over the range of 0 to 150 ppm in a low-calorie beverage sweetened with sucralose/acesulfame-K. Calcium sulfate was found to decrease aftertaste duration by about -0.5 or -1.

7. Potassium sulfate was tested over a range of 0 to 300 ppm in a low-calorie beverage sweetened with sucralose/acesulfame-K. Potassium sulfate was found to increase sweetness intensity by about +1.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Subscribed this 23 day of June, 2003.

William Mutilangi

William Mutilangi

NY_MAIN 358154v1



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